

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

HILLARY HOFFNER,

Plaintiff,

v.

**DAVID BARNHARDT, individually, and
ASSOCIATED LUMBER INDUSTRIES,**

Defendants.

No. 12-cv-239-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is defendant David Barnhardt's motion to dismiss (Doc. 20), contending that plaintiff Hillary Hoffner's complaint must be dismissed as against him because Barnhardt was never charged before the Equal Employment Opportunity Commission, a jurisdictional prerequisite to filing suit. See *Williams v. Gen. Foods Corp.*, 492 F.2d 399, 404-05 (7th Cir. 1974). Plaintiff responded (Doc. 30), agreeing with Barnhardt's contentions and consenting to Barnhardt's dismissal. Accordingly, the Court grants the motion. The Court dismisses with prejudice Barnhardt from this action.

IT IS SO ORDERED.

Signed this 19th day of June, 2012.

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by David R.
Herndon
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**Chief Judge
United States District Court**